

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ANDRE SPEED,

04-CV-1430-PK

Plaintiff,

ORDER

v.

ADIDAS AMERICA, INC., a
Delaware corporation,

Defendant.

CRAIG A. CRISPIN

Crispin Employment Lawyers
500 Plaza West, 9600 Oak Street
Portland, OR 97223
(503) 293-5770

Attorney for Plaintiff

JOSEPH VANCE

CAROL NOONAN

Davis Wright Tremaine, LLP
1300 S.W. Fifth Avenue, Suite 2300
Portland, OR 97201
(503) 241-2300

Attorneys for Defendant

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#46) on February 16, 2006, in which he recommended the Court grant Defendant's Motion for Summary Judgment (#17) and dismiss this matter with prejudice. Plaintiff Andre Speed filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). Because the objecting party did not arrange for the transcription of the record pursuant to Fed. R. Civ. P. 72(b) nor did any party protest the lack of a transcript, the Court did not review a transcript or tape recording of the proceedings before the Magistrate Judge as part of the Court's *de novo* review. *See Spaulding v. Univ. of Wash.*, 686 F.2d 1232, 1235 (9th Cir. 1982).

This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#46). Accordingly, the Court **GRANTS** Defendant's Motion for Summary Judgment (#17) and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 6th day of April, 2006.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge